

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 780  
SENATE BILL 40

AN ACT TO PROVIDE PUNISHMENTS FOR ASSAULTS UPON HANDICAPPED PERSONS.

The General Assembly of North Carolina enacts:

**Section 1.** A new section is added to Chapter 14 of the General Statutes to read:

**"§ 14-32.1. Assaults on handicapped persons; punishments.** — (a) For purposes of this section, a 'handicapped person' is a person who has:

1. a physical or mental disability, such as decreased use of arms or legs, blindness, deafness, mental retardation or mental illness: or
2. infirmity

which would substantially impair that person's ability to defend himself.

(b) Any person who assaults a handicapped person with a deadly weapon with intent to kill and inflicts serious injury is guilty of a Class F felony.

(c) Any person who assaults a handicapped person with a deadly weapon and inflicts serious injury is guilty of a Class G felony.

(d) Any person who assaults a handicapped person with a deadly weapon with intent to kill is guilty of a Class G felony.

(e) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any aggravated assault or assault and battery on a handicapped person is guilty of a Class I felony. A person commits an aggravated assault or assault and battery upon a handicapped person if, in the course of the assault or assault and battery, that person:

- (1) Uses a deadly weapon or other means of force likely to inflict serious injury or serious damage to a handicapped person; or
- (2) Inflicts serious injury or serious damage to a handicapped person; or
- (3) Intends to kill a handicapped person.

(f) Any person who commits a simple assault or battery upon a handicapped person is guilty of a misdemeanor punishable by a fine, imprisonment for not more than one year, or both."

**Sec. 2.** This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.